

## EXTINGUISHING THE SCHELDT DUES

*Treaty signed at Brussels July 20, 1863, supplementing convention of May 20, 1863; annexes*

*Ratified by Belgium July 25, 1863*

*Senate advice and consent to ratification February 26, 1864*

*Ratified by the President of the United States March 5, 1864*

*Ratifications exchanged at Brussels June 27, 1864*

*Entered into force June 27, 1864*

*Proclaimed by the President of the United States November 18, 1864*

13 Stat. 655; Treaty Series 23

The United States of America and His Majesty the King of the Belgians equally desirous of liberating forever the navigation of the Scheldt from the dues which encumber it, to assure the reformation of the maritime taxes levied in Belgium and to facilitate thereby the development of trade and navigation, have resolved to conclude a Treaty to complete the convention signed on the twentieth of May Eighteen hundred and sixty-three <sup>1</sup> between the United States and Belgium, and have appointed as their plenipotentiaries, namely:

The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their Minister Resident to His Majesty the King of the Belgians, and

His Majesty the King of the Belgians, M. Charles Rogier, Grand Officer of the Order of Leopold, decorated with the Iron cross &c., &c., &c., His Minister of Foreign Affairs,

who, after having exchanged their full powers, found to be in good and due form, have agreed upon the following articles.

### ARTICLE 1

The High Contracting Parties take note of and record;

1st. The Treaty concluded on the twelfth of May, Eighteen hundred sixty three, between Belgium and the Netherlands which will remain annexed to the present Treaty, and by which His Majesty the King of the Netherlands renounces forever the dues established upon navigation in the Scheldt and its mouths, by the third paragraph of the 9th article of the Treaty of the

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<sup>1</sup> TS 22, *ante*, p. 468.

19th April Eighteen hundred and thirty nine, and His Majesty the King of the Belgians engages to pay the capital sum of the redemption of those dues, which amount to 17.141.640 florins;

2d. The declaration made in the name of His Majesty the King of the Netherlands on the fifteenth of July Eighteen hundred and sixty three to the Plenipotentiaries of the High Contracting Parties, that the extinguishment of the Scheldt Dues consented to by His said Majesty, applies to all flags, that these dues can never be reestablished under any form whatsoever, and that the suppression shall not affect in any manner, the other provisions of the Treaty of the nineteenth of April Eighteen hundred and thirty nine, declaration which shall be considered inserted in the present Treaty to which it shall remain also annexed.

#### ARTICLE 2

His Majesty the King of the Belgians makes for what concerns Him the same declaration as that which is mentioned in the second paragraph of the preceding article.

#### ARTICLE 3

It is well understood that the tonnage dues suppressed in Belgium in conformity with the Convention of the twentieth of May Eighteen hundred and sixty three, cannot be reestablished, and that the pilotage dues, and local taxes reduced under the same convention, cannot be again increased.

The tariff of pilotage dues and of local taxes at Antwerp shall be the same for the United States as those which are set down in the protocols of the Conference at Brussels.

#### ARTICLE 4

In regard to the proportion of the United States in the capital sum of the extinguishment of the Scheldt Dues, and the manner, place and time of the payment thereof, reference is made by the High Contracting parties to the Convention of the twentieth of May Eighteen hundred and sixty three.

#### ARTICLE 5

The execution of the reciprocal Engagements contained in the present Treaty is made subordinate, in so far as is necessary, to the formalities and rules established by the constitutional laws of the High Contracting Parties.

#### ARTICLE 6

It is well understood, that the provisions of article 3, will only be obligatory with respect to the State which has taken part in or those which shall adhere to the Treaty of this day, the King of the Belgians reserving to himself expressly the right to establish the manner of treatment as to fiscal and customs regulations of vessels belonging to States which shall not be parties to this Treaty.

## ARTICLE 7

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Brussels, with the least possible delay.

In faith whereof, the Respective Plenipotentiaries have signed the same in duplicate and affixed thereto their seals.

Done at Brussels, the twentieth day of July Eighteen hundred and sixty-three.

H. S. SANFORD	[SEAL]
CH. ROGIER	[SEAL]

## ANNEXES

TREATY OF MAY 12, 1863, BETWEEN BELGIUM AND THE NETHERLANDS,  
ANNEXED TO THE TREATY OF JULY 20, 1863

## [TRANSLATION]

His Majesty the King of the Belgians and his Majesty the King of the Netherlands, having come to an agreement upon the conditions of the redemption, by capitalization, of the dues established upon the navigation of the Scheldt, and of its mouths, by paragraph 3 of the 9th article of the treaty of the 19th April, 1839, have resolved to conclude a special treaty on this subject, and have appointed for their plenipotentiaries, namely:

His Majesty the King of the Belgians, M. Aldephonse Alexander Felix, Baron du Jardin, commander of the Order of Leopold, decorated with the iron cross, commander of the Lion of the Netherlands, chevalier grand cross of the Oaken Crown, grand cross and commander of several other orders, his envoy extraordinary and minister plenipotentiary near to his Majesty the King of the Netherlands:

His Majesty the King of the Netherlands, Messrs. Paul Vander Maesen de Sombreff, chevalier grand cross of the Order of the Nichan Iftihar of Tunis, his minister of foreign affairs, M. Iran Rudolph Thorbecke, chevalier grand cross of the Order of the Lion of the Netherlands, grand cross of the Order of Leopold of Belgium, and of many other orders, his minister of interior, and M. Gerard Henri Betz, his minister of finance;

Who, after having exchanged their full powers, found in good and due form, have concluded upon the following articles:

## ARTICLE I

His Majesty the King of the Netherlands renounces forever, for the sum of 17,140,640 florins of Holland, the dues levied upon the navigation of the Scheldt, and of its mouths, by virtue of paragraph 3 of article 9 of the treaty of 19th April, 1839.

## ARTICLE II

This sum shall be paid to the government of the Netherlands by the Belgian government, at Antwerp, or at Amsterdam, at the choice of the latter, the franc calculated at 47¼ cents of the Netherlands, as follows:

One-third immediately after the exchange of ratifications, and the two other thirds in three equal instalments, payable on the 1st May, 1864, 1st May, 1865, and 1st May, 1866. The Belgian government may anticipate the above-named payments.

## ARTICLE III

From and after the payment of the first installment of one-third, the dues shall cease to be levied by the government of the Netherlands.

The sums not immediately paid shall bear interest at the rate of 4 per cent. per annum in favor of the treasury of the Netherlands.

## ARTICLE IV

It is understood that the capitalization of the dues shall not in any way affect the engagements by which the two states are bound in what concerns the Scheldt by treaties in force.

## ARTICLE V

The pilotage dues now levied on the Scheldt are reduced—

20 per cent. for sailing vessels,  
25 per cent. for towed vessels, and  
30 per cent. for steam vessels.

It is, moreover, agreed that the pilotage dues on the Scheldt can never be higher than the pilotage dues levied at the mouths of the Meuse.

## ARTICLE VI

The present treaty shall be ratified, and the ratifications shall be exchanged at the Hague, within four months, or earlier if possible.

In faith whereof, the plenipotentiaries above named have signed the same and affixed their seals.

Done at the Hague the 12th May, 1863.

BARON DU JARDIN	[SEAL]
P. VANDER MAESEN DE	
SOMBREFF	[SEAL]
THORBECKE	[SEAL]
BETZ	[SEAL]

## PROTOCOL OF JULY 15, 1863, ANNEXED TO THE TREATY OF JULY 20, 1863

[TRANSLATION]

The plenipotentiaries undersigned, having come together in conference to determine the general treaty relative to the redemption of the Scheldt dues, and having judged it useful, before drawing up this arrangement in due form, to be enlightened with respect to the treaty concluded the 12th of May, 1863, between Belgium and Holland, have resolved, to this end, to invite the minister of the Netherlands to take a place in the conference.

The plenipotentiary of the Netherlands presented himself in response to this invitation, and made the following declaration:

"The undersigned, envoy extraordinary and minister plenipotentiary of his Majesty the King of the Netherlands, declares, in virtue of the special powers which have been delivered to him, that the extinguishment of the Scheldt dues, consented to by his august sovereign in the treaty of the 12th May, applies to all flags; that these dues can never be re-established in any form whatsoever; and that this extinguishment shall not affect in any way the other provisions of the treaty of the 19th July, 1839.

"BARON GERICKE D'HERWYNEN

"BRUSSELS, *July 15, 1863.*"

Note has been taken and record made of this declaration, which shall be inserted in or annexed to the general treaty.

Done at Brussels, the 15th July, 1863.

BARON GERICKE D'HERWYNEN	[SEAL]
BARON DE HUGEL	[SEAL]
T. C. DO AMARAL	[SEAL]
M. CARVALLO	[SEAL]
P. BILLE BRAHE	[SEAL]
D. COELLO DE PORTUGAL	[SEAL]
H. S. SANFORD	[SEAL]
MALARET	[SEAL]
HOWARD DE WALDEN ET SEAFORD	[SEAL]
VON HODENBERG	[SEAL]
CTE. DE MONTALTO	[SEAL]
MAN. YRIGOYEN	[SEAL]
V'TE DE SEISAL	[SEAL]
SAVIGNY	[SEAL]
ORLOFF	[SEAL]
ADALBERT MANSBACH	[SEAL]
C. MUSURUS	[SEAL]
GEFFEKEN	[SEAL]
CH. ROGIER	[SEAL]
BN. LAMBERMONT	[SEAL]